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out packs in the conveying direction upstream of the faulty pack conveyor.

13. (New) Apparatus according to Claim 12, wherein the turret is a drying turret.

By 14. (New) Apparatus according to Claim 6, wherein each main direction of illumination assumes an angle of 70° to 80° to the main line of sight.

15. (New) Apparatus according to Claim 5, wherein the blank is a revenue stamp.

### REMARKS

Claims 1-12 are pending in the application. The claims are rejected under 35 U.S.C. 112, first and second paragraphs, and additionally rejected under 35 U.S.C. 103(a) as being unpatentable over White, et al. (U.S. 4,972,494).

#### **1. The Claim Rejections Under 35 U.S.C. 112**

The claims are rejected under 35 U.S.C. 112, first paragraph, and in particular with respect to Claims 1 and 5, for not disclosing how the inspection means scans the blank from an essentially frontal aspect. Claims 1 and 5 have been amended to clarify the fact that the main line of sight of the inspection means is directed frontally towards the end face of a cigarette pack. The same applies to the illumination means which illuminate the border edges of the blank, more particularly the revenue stamp, arranged on the end face of the cigarette pack. Thus, it is believed that the Examiner's concerns raised in connection with this rejection are now overcome.

The claims are also rejected under 35 U.S.C., second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, Applicant has amended the claims to delete the phrases, "such as", "in particular" and "and/or". The particular concerns raised in connection with Claims 1, 11 and 12 are believed addressed by the current amendments. Further, Claim 4 has been cancelled, thus addressing the Examiner's concern in connection with that claim.

#### **2. The Claims Rejections Under 35 U.S.C. 103**

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the White, et al reference. In doing so, however, the Examiner acknowledges that White, et. al. do not explicitly disclose illuminating at the border edges of a blank.

Independent Claims 1 and 5 have been amended to distinguish the teachings of the White reference. The present invention is directed to the problem of identifying a faulty skewed position of a blank, more particularly, a revenue stamp, on a cigarette pack. This problem is not addressed by White.

In the present invention as claimed, in order to identify a faulty skewed position of a blank (revenue stamp) it is necessary to illuminate the end face of a cigarette pack. Further, the main line of sight of the inspection means should also be directed at this end face.

This is not the case in the teachings of the White, et al. reference, where, as shown in Fig. 4, for example, only the side surfaces of the cigarette pack are illuminated. White, et al. do not address the problem of weak contrast between the cigarette pack and the blank and, further, fails to suggest that steps should be taken to identify a skewed position of the blank (revenue stamp) even when a weak contact is present. The measures and devices disclosed by White, et al. make it impossible to accomplish this task.

Furthermore, in contrast to the present invention, the border edges of the revenue stamp do not play a role in the teachings of White et al. in terms of identifying a faulty skewed position of the revenue stamp. As set forth beginning at Col. 16, lines 41, such a skewed position is only identified in measuring the comparison of the "relationship" between a printed expression "20 cigarettes" on the revenue stamp and the top side of the cigarette pack with a predetermined "portion". In the absence of such a print, the measurements in White et al. would not be possible. In contrast, the present claimed invention is able to identify a faulty skewed blank position solely by determining the border edges of the blank (revenue stamp) without having to resort to any printing on the stamp itself.

Should the Examiner have any questions or reservations regarding the present Preliminary Amendment, the Examiner is invited to telephone the undersigned attorney at 770.933.9500

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 20-0778

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LAURIE DEKSTANDER

Name of Applicant Assignee, or

Registered Representative

Laurie Dekstander

Signature

3/17/03

Date

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.  
100 Galleria Parkway, N.W., Suite 1750  
Atlanta, Georgia 30339-5948  
770.933.9500

Respectfully submitted,

Todd Deveau

Todd Deveau

Registration No. 29,526